

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: HIGHLAND PARK ESTATES SUBDIVISION

Case Number: PLD2005-00028; SEP2005-00052; ARC2005-00030

Hearing Examiner: Joe Turner

Location: 4230 NE 131st Street

Request: Subdivide approximately 8.6 acres into 29 single-family residential lots in the R1-10 Zoning District

Applicant: Proterra Development Group, LLC
Attn: Corey Harris
1701 Broadway #184
Vancouver, WA 98663
Phone - (360) 573-5992, **Fax** - (360) 573-5992

Contact: Sturtevant/Golemo Ass.
Attn: Joe Sturtevant
2211 Main Street
Vancouver, WA 98660
Phone - (360) 993-0911, **Fax** - (360) 991-0912
E-mail – joes@sqaengineering.com

Owner: James P. Fennessey Frank & Sandra Jeffers
4100 NE 131st St. 4212 NE 131st St.
Vancouver, WA 98686 Vancouver, WA 98686

RECOMMENDATION

Denial (see Finding 8)

Team Leader's Initials: _____ **Date Issued:** May 11, 2005

Public Hearing Date: May 26, 2005

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Richard Daviau	4895	richard.daviau@clark.wa.gov
Engineer:	Paul Knox	4910	fereidoon.safdari@clark.wa.gov
Engineer: (Trans. Concurrency):	Shelley Oylear	4354	shelley.oylear@clark.wa.gov
Team Leader:	Susan Ellinger	4272	susan.ellinger@clark.wa.gov
Eng. Supervisor:	Richard Drinkwater, P.E.	4492	richard.drinkwater@clark.wa.gov
Eng. Supervisor: (Trans. Concurrency):	Steve Schulte, P.E.	4017	steve.schulte@clark.wa.gov

Comp Plan Designation: Urban Low Density

Zoning: R1-10

Legal Description: Tax Lots 58 (186227), 209 (186373), and Lot 1 & 2 of S.P. 2-662 in the Northeast quarter of Section 25, Township 3 North, Range 1 East of the Willamette Meridian

Applicable Laws:

Clark County Code Chapters: 40.220.010 (R1-10 District); 40.350.020 (Transportation Concurrency); 40.350.030 (Road Standards); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 15.12 (Fire); 40.5 (Procedures); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.6 (Impact Fees); and RCW 58.17 (State Platting Laws)

Neighborhood Association:

Pleasant Highlands Neighborhood Association, **Contact** - Attn: Pat Price (President), 4513 NE 137th Street, Vancouver, WA 98686, **Phone** - (360) 576-1629, **E-mail** - ronpat11@comcast.net

Time Limits:

The application was submitted on February 23, 2005 and determined to be fully complete on March 16, 2005. Therefore, the County Code requirement for issuing a decision within 92 days lapses on June 16, 2005. The State requirement for issuing a decision within 120 calendar days lapses on July 14, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application can earlier contingently vest if a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

The pre-application was contingently vested and a fully complete application was filed within 180 calendar days from the issuance of the PAC report. Therefore, the

application is vested on the pre-application submittal date of August 31, 2004. The application vested for transportation concurrency on February 23, 2005.

Public Notice:

Several methods of community outreach were utilized in processing this application. Notice of application and public hearing was mailed to the applicant, neighborhood association, and property owners within 300 feet of the site on March 31, 2005. One sign was posted on the subject property and two within the vicinity on May 11, 2005. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on March 31, 2005. A public hearing will be held on May 26, 2005 which will offer the public further opportunity to comment on the proposed development.

Public Comments:

The County has received written comments regarding stormwater, boundary lines of the subject site, the correct name of the proposed NE 134th Street, and traffic safety issues. There was also a comment from a neighbor to the north of proposed lots 16 and 17 who was concerned property damage may occur during the grading of the proposal. It should be noted that the name of a road in a proposed subdivision is finalized during the final plat review. See Finding 8 for traffic related comments and the upcoming engineering comments should address stormwater and other transportation issues.

Project Description/Background

The applicant proposes to divide the subject site into 29 single-family residential lots with an average lot size of 10,434 square feet. The following is a comprehensive plan, zoning and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UL	R1-10	Single-family residential
North	UL	R1-10	Single-family residential
South	UL	R1-10	Single-family residential
East	UL	R1-10	Single-family residential
West	UL	R1-10	Single-family residential

Major Issues and Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

1. Earth
2. Air
3. Water
4. Plants
9. Housing
10. Aesthetics
11. Light and Glare
12. Recreation

- | | |
|---------------------------------|--|
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Finding 1 – Lot Standards

The proposed subdivision is located in the R1-10 Zone which requires a minimum lot size of 10,000 square feet and an average maximum lot size of 15,000 square feet. All lots in the proposed plat are over 10,000 square feet and the average lot size is 10,434. Therefore, the proposed plat complies with lot size requirements.

The R1-10 Zone also requires an average lot width of 80 feet and an average lot depth of 90 feet. According to the submitted plan, proposed lot 21 does not comply with the lot width requirement. The applicant will need to redesign the plat so all lots comply with depth and width requirements of the R1-10 Zoning District. (See Condition A-1)

Finding 2 – Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed plat:

- Ten foot front setback for Lots 12, 13, 17, and 18 from the temporary turnarounds
- Twenty foot front setback for all other structures
- Ten foot street side setback
- Five foot setback for all other side and rear setbacks in the plat

A note on the plat is warranted that identifies setback requirements (see Plat Note C-1).

Finding 3 – Existing Structures

There are three existing homes on the subject site with accessory structures. Two of the homes and their accessory structures will be removed. The applicant proposes to adjust the northern most home out of the proposed subdivision through a boundary line adjustment (see Finding 4 below). Both homes within the proposed subdivision development and their accessory structures should be removed prior to final plat approval. (See Condition A-2)

Finding 4 – Boundary Line Adjustment

The applicant proposes to adjust the northern most home out of the proposed subdivision through a boundary line adjustment. Staff finds there are adequate legal lots to adjust the parcels as proposed. The proposed boundary line adjustment should be completed prior to final plat approval. (See Condition A-3)

Finding 5 – Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Plat Note C-2).

Finding 6 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare of the community. Connection of the proposed residences to public water and sewer, as well as treatment of any increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

ARCHEOLOGICAL:

Finding 7

The proposal is located within a high probability area for containing cultural resources. An archaeological predetermination was completed for the site by the County Archaeologist including seven shovel test probes. No archaeologically significant items were found. No further archaeological work is recommended at this time. If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County should be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines (see Condition C-3).

TRANSPORTATION CONCURRENCY:

Finding 8

County concurrency staff has reviewed the traffic report for the proposed subdivision. The applicant's traffic study estimates the development will generate 20 AM peak hour trips and 29 PM peak hour trips.

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Modeling for the Salmon Creek Concurrency Corridor has resulted in a failing operating level. Based on the submitted traffic study, the development would send trips to the failing corridor. The planner and applicant were notified of the situation by staff in a memo dated April 5, 2005. The applicant may propose mitigation, acceptable to the County, on the corridor in order to gain concurrency approval. At this time the applicant has not proposed mitigation and the only known mitigation is high cost interchange

improvements. In the absence of viable mitigation being volunteered by the applicant, staff recommends denial of the proposed development.

In summary, the proposed development does not comply with the Concurrency Ordinance CCC 40.350.020; therefore, staff is compelled to recommend denial.

TRANSPORTATION

Engineering comments were not available at the time of mailing the staff report. Upon their availability, they will be subsequently mailed.

STORMWATER:

Engineering comments were not available at the time of mailing the staff report. Upon their availability, they will be subsequently mailed.

FIRE PROTECTION:

Finding 9

Tom Scott (in the Fire Marshal's Office) reviewed this application and can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 6):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1)
- b. Fire flow in the amount of 1000 gallons per minute supplied for 60 minute duration is required for this application. The applicant has submitted a utility review from Clark Public Utilities indicating that the required fire flow is available to the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition A-4)
- c. Fire hydrants are required for this application and the indicated number and spacing of hydrants is adequate. Hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Condition A-4)
- d. The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standards. The applicant should provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus. Fire apparatus turnarounds are not required for this application. The proposed temporary and permanent turnarounds are adequate. (See Condition A-5)

HEALTH DEPARTMENT:

Finding 10

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or

prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-7)

UTILITIES:

Finding 11

The applicant has submitted utility reviews from the Hazel Dell Sewer District and Clark Public Utilities indicating that public sewer and water are available to the subject site. All lots in the proposed plat must connect to approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (see Condition D-8)

IMPACT FEES:

Finding 12

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Vancouver School District with a SIF of \$1,725.00, Park District 8 with a PIF of \$1,360.00 (acquisition) & 440.00 (Development), and the Hazel Dell Transportation Subarea with a TIF of \$1,382.87.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Condition B-2 & C-7)

SEPA DETERMINATION

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on March 31, 2005 is hereby final.

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$191**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision. Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Richard Daviau, (360) 397-2375, ext. 4895

Responsible Official: Michael V. Butts
Department of Community Development

RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **Deny** this request because the proposed development does not comply with the Concurrency Ordinance (see Finding 8).

If the applicant is able to address the transportation concurrency issue, the following conditions apply:

Conditions of Approval

A. Conditions that must be met prior to Final Plat Approval:

- A-1 Proposed lot 21 does not comply with the lot width requirement. The applicant shall redesign the plat so all lots comply with width and depth requirements of the R1-10 Zoning District. (See Finding 1)
- A-2 Both homes within the proposed subdivision development and their accessory structures shall be removed (see Finding 3).

- A-3 The applicant proposes to adjust the northern most home out of the proposed subdivision through a boundary line adjustment. The proposed boundary line adjustment shall be completed (see Finding 4).
- A-4 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Finding 9b & 9c)
- A-5 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 9d).

B. Conditions that must be met prior to Building Permit Issuance:

- B-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- B-2 School, Park and Traffic Impact Fees are required for lots in this plat - \$1,725.00.00 (Vancouver School District), \$1,360.00 for Acquisition + 440.00 for Development = \$1,800.00 (Park District 8), and \$1,382.87 (Hazel Dell Transportation sub-area) respectively. Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

C. Notes Required on Final Plat

The following notes shall be placed on the final plat:

C-1 Setbacks:

"The following setbacks apply to the proposed plat (see Finding 2):

- a. Ten foot front setback for Lots 12, 13, 17, and 18 from the temporary turnarounds
- b. Twenty foot front setback for all other structures
- c. Ten foot street side setback
- d. Five foot side and rear setback for all other setbacks in the plat"

C-2 Mobile Homes:

"Placement of Mobile/Manufactured Homes is prohibited."

C-3 Archaeological:

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

C-4 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

C-5 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

C-6 Driveways:

"All residential driveway approaches entering public roads are required to comply with CCC 40.350."

C-7 Impact Fees:

"In accordance with CCC 18.65, the School, Park and Traffic Impact Fees for lots in this plat is: \$1,725.00 (Vancouver School District), \$1,800.00 (\$1,360.00 - Acquisition; \$440.00 - Development for Park District 8), and \$1,382.87 (Hazel Dell Transportation sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

D-1 Land Division:

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

D-2 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

D-3 Erosion Control:

- a. Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- b. For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- c. Erosion control facilities shall **not** be removed without County approval.
- d. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

D-4 Excavation and Grading:

- a. Excavation/grading shall be performed in compliance with Chapter J of the 2003 International Building Code (IBC).
- b. Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

D-5 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

D-6 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

D-7 Health Department:

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.

D-8 Utilities:

A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

**HEARING EXAMINER DECISION
AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$286** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Proposed Plot Plan
- Site Vicinity Map
- Zoning Map
- List of Exhibits Received to Date

A copy of the preliminary plan, SEPA Checklist and County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810**

Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011

A copy of the Clark County Code is also available on our Web Page at:
<http://www.co.clark.wa.gov>